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SPECIAL POLITICAL COMMITTEE
Agenda item 105

PROGRAMME PLANNING

Letter dated 18 November 1992 from the Chairman of the Special Political Committee addressed to the President of the General Assembly

I have the honour to request that the attached letter be forwarded to the Chairman of the Fifth Committee.

(Signed) Hamadi KHOUINI
Chairman
Special Political Committee

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Annex

[Original: French]

LETTER DATED 18 NOVEMBER 1992 FROM THE CHAIRMAN OF THE SPECIAL POLITICAL COMMITTEE ADDRESSED TO THE CHAIRMAN OF THE FIFTH COMMITTEE

I have the honour to refer to item 105 on the agenda of the General Assembly, entitled "Programme planning", and to recall that the Special Political Committee has been allocated programmes 1, 2, 4 to 6, 8, 35, 36 and 38 under that item, on which the Committee has been requested to submit its views and recommendations, if any, to the Fifth Committee before 20 November 1992.

I wish to inform you that this matter was brought to the attention of the Special Political Committee at its 3rd meeting, on 20 October 1992, with a request that any members of the Committee wishing to express their views should do so in writing by 17 November 1992. Subsequently, in order to ensure the widest possible dissemination of the responsibility entrusted to the Committee under item 105, the Chairman sent a note dated 20 October 1992 to the heads of delegations to the Special Political Committee bringing to their attention his remarks on this subject at the above-mentioned meeting, with a request that the content of those remarks be communicated to all the delegates who would be attending the Special Political Committee during its consideration of the various items on its agenda.

I have the honour to transmit to you, for the attention of the Fifth Committee, six communications which I have received in that connection.

(Signed) Hamadi KHOUINI
Chairman
Special Political Committee

Appendix I

[Original: English]

NOTE VERBALE DATED 13 NOVEMBER 1992 FROM THE HEAD OF THE DELEGATION OF BRAZIL TO THE SPECIAL POLITICAL COMMITTEE AT THE FORTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE SPECIAL POLITICAL COMMITTEE

The head of the delegation of Brazil to the Special Political Committee presents his compliments to the Chairman of the Special Political Committee and has the honour to refer to the latter's circular note SCPC/1992-1.

In reply, the head of the Brazilian delegation to the Special Political Committee has the honour to report that the delegation of Brazil supports the conclusions and recommendations agreed upon by consensus at the thirty-second session of the Committee for Programme and Coordination, as contained in document A/47/16.

Appendix II

[Original: English]

NOTE VERBALE DATED 14 NOVEMBER 1992 FROM THE HEAD OF THE CHINESE DELEGATION TO THE SPECIAL POLITICAL COMMITTEE AT THE FORTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE SPECIAL POLITICAL COMMITTEE

The Deputy Permanent Representative of the People's Republic of China to the United Nations, head of the Chinese delegation to the Special Political Committee at the forty-seventh session of the General Assembly, presents his compliments to the Chairman of the Special Political Committee, and with reference to the latter's note (SCPC/1992-1) dated 20 October 1992, has the honour to forward herewith the views and recommendations of the Chinese delegation which have been requested by the Chairman in his note concerning the document A/47/6 (Prog. 4) under the item entitled "Proposed revisions to the medium-term plan for the period 1992-1997".

Resolution 46/137, adopted on 17 December 1991 by the General Assembly at its forty-sixth session after the discussion in the Third Committee, endorsed the Secretary-General's view that he should designate a senior official in the Offices of the Secretary-General to act as focal point to assist the Secretary-General to coordinate and consider requests for electoral verification and undertake the tasks concerning the effectiveness of the principle of periodic and genuine elections, and also requested the Secretary-General to report to the General Assembly at its forty-seventh session on the implementation of the resolution, under the item entitled "Human rights questions". In view of the above, the Chinese delegation holds that the subprogramme of "Enhancing the effectiveness of the principle of periodic and genuine elections" is irrelevant to major programme I, entitled "Maintenance of peace and security, disarmament and decolonization", in the document entitled "Proposed revisions to the medium-term plan for the period 1992-1997", and thus suggests that it should be deleted. The Chinese delegation is of the view that according to resolution 46/137 the activities of the United Nations mentioned above should be considered under major programme VII, entitled "Human rights, fundamental freedoms and humanitarian affairs".

Appendix III

[Original: Spanish]

NOTE VERBALE DATED 17 NOVEMBER 1992 FROM THE HEAD OF THE DELEGATION OF COLOMBIA TO THE SPECIAL POLITICAL COMMITTEE AT THE FORTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE SPECIAL POLITICAL COMMITTEE

The Head of the delegation of Colombia to the Special Political Committee at the forty-seventh session of the General Assembly presents his compliments to the Chairman of the Special Political Committee and, with reference to his letter of 20 October 1992 concerning item 105 of the agenda of the General Assembly, entitled "Programme planning", wishes to inform him that the position of the Government of Colombia in this connection was duly reflected in the statement of Colombia before the Special Political Committee on 12 November 1992 regarding item 75, "Comprehensive review of the whole question of peace-keeping operations in all their aspects".

For your information, I take the liberty to quote the corresponding statement:

> "In my delegation's opinion, subprogramme 4 of programme 4 of the medium-term plan for the period 1992-1997 entitled 'Enhancing the effectiveness of the principle of genuine and periodic elections' is not within the purview of the Special Political Committee. We therefore request you to inform the Chairman of the Fifth Committee accordingly on this subject."

My Government hopes that these comments will be taken into account in any revisions that may be introduced.

Appendix IV

[Original: Spanish]

NOTE VERBALE DATED 17 NOVEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE SPECIAL POLITICAL COMMITTEE

I have the honour to inform you of receipt of your letter of 20 October, reference SCPC/1992-2, requesting our views on the proposed revisions to the medium-term plan for submission to the Fifth Committee.

I am pleased to inform you of the following opinions of the delegation of Cuba.

Programme 1

The Cuban delegation's principal difficulty with the Secretariat's proposed revisions to programme 1 of the medium-term plan involve the arbitrary inclusion of the term "preventive diplomacy" in the title of the programme itself, the structure and priorities of the subprogrammes, the title of subprogramme 1 and the paragraphs describing subprogramme 1.

It should be noted that, by inserting a sentence, an attempt is made in paragraph 1.10 of subprogramme 1 to use the document "An Agenda for Peace" (A/47/277-S/24111) as the legislative basis for the inclusion of the aforementioned concept. The document "An Agenda for Peace" is no more than a proposal by the Secretary-General. Its contents, including the concept of "preventive diplomacy", have no legal value and consequently cannot be used as a legislative basis until such time as they are adopted by the General Assembly or another appropriate body.

The new paragraph proposed as a replacement for paragraph 1.19 of subprogramme 3 contains some questionable elements. None of the references to "threats to peace", "conflict" or "disputes" specifies that these phenomena are international in nature. The implication is that internal conflicts or disputes, which, as such, fall within the sole jurisdiction of the States, could also be subject to United Nations research and information gathering mechanisms. Paragraph 1.21, subparagraph (b), of the same subprogramme, which lists the functions of the research and information gathering mechanisms of the Secretariat's new Department of Political Affairs, imply the same by referring only to "developments related to peace and security" without describing them as international.

Programme 2

The main problem with the revisions to this programme is their focus, which is currently to strengthen the role of the Security Council by changing the name of the overall programme. At the same time, the title would not be in keeping with the contents of the single subprogramme that would be left in the programme if the proposal in the document to delete subprogramme 2 is approved. Furthermore, at least for programme-related purposes, this would make the items on peace and security considered in the First Committee and other bodies subordinate in nature to the Security Council, since they would - in our opinion, inappropriately - be lumped together under the programme's new title, Security Council affairs.

There is no need to comment on the reference in the text to "preventive diplomacy" since it is merely a reference to the title of programme 1, which we have already discussed.

Programme 4

The revisions to this programme are, perhaps, among the most important and far-reaching among the programmes we are considering, and they belie the oft-repeated assertion in paragraph 3 of the text that "the revisions do not reflect a fundamental change in the mandate, orientation and strategy of the programme". The proposed changes require careful analysis:

1. We question the addition to this programme, which is entitled "Special political questions, trusteeship and decolonization", of a reference to so-called "periodic and genuine elections". This topic has been inserted beginning in the general orientation of the programme, in paragraph 4.1, and continuing throughout the programme, including the addition of a new subprogramme for that purpose.

2. In the addition referred to in paragraph 4.1, General Assembly resolution 46/137 is cited as the mandate for activities for "enhancing the effectiveness of the principle of periodic and genuine elections". There is no mention whatsoever of the resolution submitted by Cuba and adopted at that same session concerning the principles that should be followed in conducting such activities.

3. In the structure and priorities of the programme, mention is made once again of "preventive diplomacy" as a concept approved by the legislative organs, which is not the case.

4. It is striking that "periodic and genuine elections" should be placed on the same level as other subjects that have historically been of supreme importance in the context of the United Nations, such as special political questions (by which we understand peace-keeping operations), regional cooperation in the field of security and self-determination, and decolonization. The fact that the elections item has its own subprogramme confirms its elevation to a position of presumed equality.

5. With respect to subprogramme 1, the proposed new paragraph 4.23 on the implementation of Security Council resolution 681 (1990) does not specify the measures to be adopted by the Department of Political Affairs in order to comply with the contents of that resolution. Of course, the resolution appears to have become a dead letter in the Security Council, even though the incidents that gave rise to it are being repeated with ever-increasing regularity and violence, under the pretext that negotiations are going on in Washington on the Arab-Israeli conflict. This paragraph should be contrasted with the paragraph 4.22 above it, also newly drafted, which provides a specific outline.

6. With regard to the proposed new subprogramme 2, which covers topics relating to regional cooperation formerly included under subprogramme 1, the proposed revisions to the medium-term plan are cast in such a way as to orient the subprogramme in the direction indicated in the document "An Agenda for Peace". Thus, in practice, adopting these revisions would constitute implicit acceptance of the relevant section of that document.

7. It is important to note that, according to the text under consideration, the mandate for this new subprogramme 2 derives from, inter alia, Chapter VII of the United Nations Charter. This can be interpreted to mean that the regional organizations would have jurisdiction over the use of the measures of force provided for in that Chapter, with all the consequent implications. Thus "preventive diplomacy", mentioned in paragraph 4.28 of this proposed new subprogramme, is also placed under Chapter VII of the Charter, which contradicts the arguments put forward by its defenders - in particular the Secretary-General himself in the document "An Agenda for Peace" - for its use as a mechanism that would not violate the sovereignty of the States or imply interference in their internal affairs. There is no legislative mandate whatsoever for including the concept in paragraph 4.28.

8. The new subprogramme 4 that has been added refers specifically to "enhancing the effectiveness of the principle of periodic and genuine elections". The same concerns indicated in paragraph 1 apply here. This subject has nothing to do with the general sense of the programme. Moreover, as my delegation indicated in the debate, this subject has nothing to do with the work of the Special Political Committee.

9. The legislative mandate of the subprogramme now includes resolution 46/137, and omits the approved text which was originally submitted by Cuba.

10. Paragraph 4.39, which it is proposed to add under the new subprogramme 4, is unacceptable as to form. The statements made in the paragraph are such as to prejudge the content of the programme, since it states that the functions of the Electoral Assistance Unit would be to "assist Member States in the holding and verification of elections as a mechanism to promote peace-making, further the enhancement of human rights and provide development assistance". Everything appears to indicate that such a phrasing subordinates and qualifies the development assistance referred to.

11. If the measures to be taken by the Secretariat, as stated in paragraph 4.40 of the new subprogramme, are analysed, it can easily be seen that not only are they excessive, but they create an imbalance in the programme, turning this new activity into the most important of the whole programme.

Programme 6

1. In the proposed revisions, all reference to a legislative basis has been removed since they state that the situation in South Africa constitutes a threat to international peace and security, which in practice reduces the possibility that the matter can be examined in the Security Council as circumstances may require.

2. In the sentence proposed to replace clause (a) of paragraph 6.25, under subprogramme 2 (which, following the present modifications, would appear as paragraph 6.36), there is a reference to "Promoting support for a negotiated settlement of the conflict in South Africa as outlined in the United Nations Declaration on Apartheid and the consensus resolutions". This reference would be unacceptable and would constitute a negative precedent, since all resolutions, regardless of how they are approved, constitute the legislative authority for the medium-term plan.

Programme 38

1. The new paragraph 38.3 which it is proposed to add to the Programme has the same flaw as the one we have already mentioned, since there is never any mention of the fact that the potential threats to peace and security on which timely and comprehensive information should be delivered refer to "threats to international peace and security", raising the risk that it could be misinterpreted and lead to decisions or actions that would infringe the principle of non-interference in the internal affairs of States.

2. With regard to clause (h) which it is proposed to add to the new paragraph 38.7, the same problem exists as that mentioned above, and this is also the case for the new paragraph 38.17 of subprogramme 2.

These are the thoughts of Cuba on the programmes which fall within the terms of reference of the Special Political Committee.

(Signed) Alcibiades Hidalgo BASULTO
Ambassador
Permanent Representative of Cuba
to the United Nations

Appendix V

[Original: English]

NOTE VERBALE DATED 16 NOVEMBER 1992 FROM THE REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ADDRESSED TO THE CHAIRMAN OF THE SPECIAL POLITICAL COMMITTEE

Agenda item 105: Programme planning

At the third meeting of the Special Political Committee, on 20 October, you drew attention to the fact that the General Assembly had allocated to the Committee, in addition to the usual items on the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), peace-keeping, Israeli practices in the occupied territories, science and peace, effects of atomic radiation, question of the composition of the relevant organs of the United Nations, International cooperation in the peaceful uses of outer space, and questions relating to information, that part of item 105, Programme planning, which related to items 1, 2, 4 to 6, 8, 35, 36 and 38 of the medium-term plan for the period 1992 to 1997. The European Community and its member States have considered these questions and their views are set forth below.

We have studied the documents drawn up by the secretariat on each of the nine programmes (A/47/6 (Prog. 1), A/47/6 (Prog. 2), A/47/6 (Prog. 4), A/47/6 (Prog. 5), A/47/6 (Prog. 6), A/47/6 (Prog. 8), A/47/6 (Prog. 35), A/47/6 (Prog. 36) and A/47/6 (Prog. 38)) and have reviewed the relevant records of the Committee for Programme and Coordination, which considered these documents at its resumed thirty-second session, from 31 August to 18 September 1992.

The European Community and its member States believe that it would be appropriate for the Special Political Committee to decide to send a single, consensus message to the Fifth Committee in the following terms:

> "The Special Political Committee supports the proposals of the Secretariat regarding proposed revisions to the medium-term plan for the period 1992-1997 as modified by the Committee for Programme and Coordination at its resumed thirty-second session."

(Signed) I. C. CLIFF
First Secretary

Appendix VI

[Original: English]

LETTER DATED 17 NOVEMBER 1992 FROM THE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SPECIAL POLITICAL COMMITTEE AT THE FORTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE SPECIAL POLITICAL COMMITTEE

In response to your request for comments and recommendations regarding the programme planning items allocated to the Special Political Committee by the Fifth Committee, I am pleased to submit the following.

On 13 October my delegation submitted the attached letter to the Chairman of the Third Committee, Mr. Florian Krenkel. The submission was in response to a request for comments on programme planning items, including subprogramme 4 of programme 4, relevant to Third Committee issues. My delegation understood, and was subsequently advised by the secretariat, that the referenced subprogramme was appropriately addressed by the Third Committee. Accordingly, I refer you to the prior submission in connection with your request for comments on programme 4.

In addition to the points made in the attached letter (see enclosure), my delegation believes that subprogramme 4 of programme 4, which describes the Electoral Assistance Unit, properly belongs in programme 4, since electoral verification is clearly a mechanism to promote peacemaking (para. 4.39 of proposed revisions to the medium-term plan, A/47/6 (Prog. 4)). I further believe General Assembly resolution 46/137 is the sole mandate for this subprogramme. My delegation opposes the naming of any other resolution as pertinent to the mandate (para. 4.37).

The United States delegation supports the adoption of the description of programme 4, subprogramme 4, as contained in A/47/6 (Prog. 4).

(Signed) Robert T. GREY
Political Counsellor
Alternate Representative to the
Special Political Committee

Enclosure

LETTER DATED 13 OCTOBER 1992 FROM THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRD COMMITTEE AT THE FORTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE THIRD COMMITTEE

Rather than take up valuable Committee time with debate, you have wisely asked Third Committee delegations to comment in writing through you on aspects of the United Nations medium-term plan that are relevant to Third Committee issues. Here follow the views of the United States Government on one subprogramme of that plan.

The United States Government considers the subprogramme on electoral assistance (programme 4, subprogramme 4) to be an important new initiative for the United Nations. In the view of my Government, the description of the electoral assistance programme contained in the draft programme as presented to the Committee for Programme and Coordination (A/47/6 (Prog. 4)) is sound and corresponds with the mandate of General Assembly resolution 46/137. Therefore, my Government supports the adoption of subprogramme 4 of programme 4 as drafted, or with only minor changes, which would need to be negotiated in the Fifth Committee. My delegation will insist on the retention of the name of the Electoral Assistance Unit in the document, since we understand it is well within the prerogative of the Secretary-General to establish and name this unit, as he has done in response to 46/137.

We have no objection to the minor changes proposed in document E/AC.51/1992/L.#/Add.# of 11 September 1992,* under the heading "Conclusions and recommendations".

(Signed) Edward MARKS
Minister Counsellor
United States Representative
to the Third Committee

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* An informal paper.